

THE HONOURABLE SRI JUSTICE V.ESWARAIAH

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WRIT PETITION No :20406 OF 2007

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DATED:28-09-2007

BETWEEN:

Vokkuri Radha Krishna Reddy.

..... PETITIONER

AND

The District Collector,
Karimnagar & another.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioner seeks a writ of mandamus directing the respondents not to dispossess the petitioner from the land bearing Sy.No.172 admeasuring Ac.0.30 guntas situated at Rekurthi village, Karimnagar mandal and District without following due procedure under law by duly declaring the action of the 2nd respondent in taking steps to dispossess the petitioner from the above said land without following the due procedure under law, as illegal and arbitrary.

3. It is the case of the petitioner that he has purchased an extent of Ac.0.30 guntas in Sy.No.172 situated at Rekurthi village, Karimnagar mandal from one Astapuram Mallaiah vide simple sale deed, dated 11-02-1988, and the same was regularized by the 2nd respondent-Tahsildar, Karimnagar vide his proceedings No.6540/02, dated 10-03-2003, invoking the provisions of Section 5-A of the A.P.Record of Rights in Land and Pattadar Pass Books Act, 1989 (for brevity, 'the Act') and thereafter pattadar pass book and title deeds were also issued under the Act. It is stated that the respondents are aware of the possession of the petitioner over the extent of Ac.0.30 guntas as is evident from the entries in the revenue records. While so, without giving any notice and

without following any due procedure prescribed under law petitioner is sought to be dispossessed from the said land in question.

4. Learned counsel appearing for the petitioner submits that the 2nd respondent has initiated action under the provisions of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 and a notice No.B/401/07, dated 01-04-2007, has been issued to the vendor of the petitioner namely Astapuram Mallaiah. As the said Mallaiah did not file any explanation the assigned lands of an extent of Ac.1.20 cents in Sy.No.172 have been resumed by the orders of the 2nd respondent-Tahsildar, dated 31-08-2007, in proceedings No.B/401/07-38.

5. A perusal of the said order goes to show that no notice has been issued to the petitioner but notice was issued to the original assignee alone. It further goes to show that the same is passed without giving any notice to the transferee. This Court would have set aside the entire order but as the petitioner purchased an extent of Ac.0.03 guntas alone, I am of the opinion that it is just and proper for the petitioner to question the said order.

6. Accordingly, Writ Petition is disposed of permitting the petitioner to question the said order of the 2nd respondent-Tahsildar passed in proceedings No.B/401/07-38, dated 31-08-2007, within two weeks from the date of receipt of a copy of this order and if any such appeal is filed *status quo* obtaining as on today shall be maintained pending disposal of the appeal. There shall be no order as to costs.

V.ESWARAIAH,J

28th September, 2007.

Note:

Issue operative portion of the
order by wire at party's costs.

B/o

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